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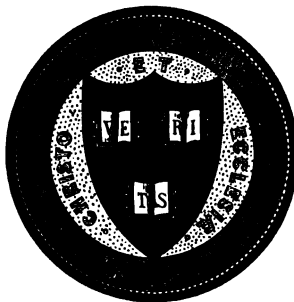
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# CONSTITUTIVE ACTS

OF THE

## MEXICAN FEDERATION

21 OF JANUARY, 1824

ALSO

## FEDERAL CONSTITUTION

OF THE

## UNITED MEXICAN STATES

OCTOBER 4, 1824

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# CONSTITUTIVE ACTS OF THE MEXICAN FEDERATION

21 OF JANUARY, 1824

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*The Supreme Executive Power*, provisionally appointed by the sovereign Mexican Congress, to all to whom these presents shall come, greeting: Know ye, that the sovereign Constituent Congress has decreed as follows:

The sovereign Constituent Mexican Congress has thought proper to enact the following *Constitutive Act of the Federation*.

## *Form of government and Religion.*

ART. 1. The Mexican nation is composed of the provinces formerly known as the vice-royalty of New Spain, the captain-generalship of Yucatan, and the internal provinces of the east and west.

ART. 2. The Mexican nation is for ever free and independent of Spain, and of every other power, and it is not, nor can it ever become the patrimony of any family or person.

ART. 3. The sovereign power resides wholly and exclusively in the nation, which has consequently the exclusive power to adopt and to establish by means of its representatives, the form of government and other fundamental laws, which may appear to it best suited to its preservation and prosperity, and to change and to modify such laws, whenever it may think proper.

ART. 4. The religion of the Mexican nation is and shall perpetually remain the Roman Catholic and Apostolic. The nation protects it by just and wise laws, and prohibits the exercise of every other.

ART. 5. The nation adopts for the form of its government, a popular representative and federal republic.

ART. 6. Its integral parts are free, sovereign and independent states, in as far as regards exclusively its internal administration, according to the rules laid down in this act, and in the general constitution.

ART. 7. The states, at present comprising the federation, are the following; viz: Guanajuato; the internal state of the west composed of the provinces of Sonora and Sinaloa; the internal state of the east comprising the provinces of New Leon, Coahuila and Texas; the internal state of the north containing the provinces of Chihuahua, Durango and New Mexico; Mexico; Michoacan; Oajaca; Puebla de los Angeles; Queretaro; San Luis

Potosi; New Santander, called also Tamaulipas; Tabasco; Tlascala; Vera Cruz; Jalisco; Yucatan and Zacatecas. The Californias and the district of Colima, (except the town of Tonila, which remains annexed to Jalisco) will for the present be territories of the Federation and directly subject to its supreme power. The districts and towns composing the province of the Isthmus of Guasacualco will return to those to whom they formerly belonged. The Lagune of Terminos appertains to the state of Yucatan.

ART. 8. The constitution may increase the number of states mentioned in the preceding article, and modify them as it may deem most conducive to the happiness of the people.

### *Division of Powers.*

ART. 9. The supreme power of the Federation is divided into the legislative, executive, and judicial, and two or more of these powers can never be united in one person or corporation, nor can the legislative power be entrusted to a single individual.

### *The Legislative Power.*

ART. 10. The legislative power of the Federation resides in a Chamber of Deputies and a senate, to be formed by the general congress.

ART. 11. The members of the Chamber of Deputies, and of the Senate shall be named by the states in the manner prescribed by the constitution.

ART. 12. The population shall be the basis of appointment of representatives to the Chamber of Deputies. Each state shall name two senators in the manner prescribed by the constitution.

ART. 13. The general congress shall have the exclusive right to enact laws and decrees;

1. To sustain the national independence, and to provide for the preservation and security of the nation in its external relations.

2. To preserve public peace and order in the interior of the Federation and to promote its improvement and general prosperity.

3. To maintain the independence of the states among themselves.

4. To protect and to regulate the liberty of the press throughout the Federation.

5. To preserve the federal union of the states, definitely to adjust their limits, and terminate their differences.

6. To sustain the relative equality of obligations and rights which the states are entitled to according to law.

7. To admit new states and territories into the federal union, by incorporating them with the nation.

8. To fix annually the expenses of the nation, after examining the statements, which for that purpose will be presented to it by the executive power.

9. To establish the contributions necessary to defray the general expenses of the republic, to determine their investment, and to require an account of their disbursement from the executive power.

10. To regulate commerce with foreign nations, and among the different states of the Federation and the Indian tribes.

11. To incur debts on behalf of the republic, and to give securities for their payment.

12. To acknowledge the public debt of the nation, and to indicate the means of consolidating the same.

13. To declare war after considering the facts which may be presented to its consideration by the executive power.

14. To grant letters of marque, and to declare lawful or otherwise the captures by land and sea.

15. To designate and to organise the sea and land forces, fixing the quota of each state.

16. To organise, arm and discipline the militia of the states, reserving to each the appointment of its respective officers, and the faculty of instructing them in conformity with the discipline prescribed by the general congress.

17. To approve all treaties of peace, alliance, amity, federation, armed neutrality, and every other which may have been entered into by the executive power.

18. To regulate and make uniform the weight, value, form, fineness and denomination of the money in all the states of the Federation, and to adopt a general system of weights and measures.

19. To grant, or to refuse the entry of foreign troops into the territory of the Federation.

20. To authorise the formation of ports and harbors.

ART. 14. The constitution shall fix the other general, special and economical attributes of the congress of the Federation, the mode of exercising them, as well as the prerogatives of this body and its members.

### *Executive Power.*

ART. 15. The supreme executive power will be confided to such individual, or individuals as the constitution may designate, who must be residents and native born citizens of some one of the states or territories of the Federation.

ART. 16. The attributes of the executive power, in addition to others which may be fixed by the constitution, shall be the following:

1. To carry into execution the laws intended to consolidate the integrity of the Federation, and to sustain its exterior independence, and its internal union and liberty.

2. To appoint and to remove at pleasure the Secretaries of State, &c.

3. To watch over the collection and to decree the distribution of the general contributions, according to existing laws.

4. To appoint the officers of the general treasury according to the constitution and existing laws.

5. To declare war, having first obtained a decree sanctioning the same from the general congress if in session, and if that be not the case, according to the mode pointed out in the constitution.

6. To dispose of the permanent army and navy and of the active militia for the external defence, and the internal security of the Federation.

7. To dispose of the local militia for the same objects, even though it should be necessary to employ the same beyond the limits of its respective states, after previously obtaining the consent of the general congress, which shall designate the force necessary.

8. To appoint the officers of the army, of the active and the armed militia with reference to existing laws and ordinances, and the dispositions of the constitution.

9. To grant discharges and licenses, and to regulate the pay of the military officers mentioned in the preceding articles in conformity to law.

10. To appoint the diplomatic agents and consuls, with the approbation of the senate, and until that body shall have been organised, with the approbation of the actual congress.

11. To direct diplomatic negotiations, make treaties of peace, friendship, alliance, federation, truce, armed neutrality, commerce and others; but in order to grant or refuse the ratification of any such treaty, it must obtain the previous approbation of the general congress.

12. To watch over the prompt and complete administration of justice by the general tribunals, and that their sentences be executed according to law.

13. To cause to be published, circulated and observed, the laws and the general constitution; possessing the right of opposing once the passage of a law, provided it be done within ten days, and to suspend its execution until the resolves of congress be known.

14. To issue decrees and orders for the better carrying into effect the constitution and the general laws.

15. To suspend from their employments for the space of three months or less, and to deprive of a portion of their salaries not to exceed one half, for the same period of time, all the officers of the Federation, infringing such orders or decrees, and in cases where it shall be deemed necessary, have them tried, in which event all the proceedings must be transferred to the competent tribunal.

ART. 17. All the decrees and orders of the supreme executive power ought to be signed by the secretary of that department to which they belong, and without this formality they are not to be obeyed.

### *Judicial Power.*

ART. 18. Every person inhabiting the territory of the Federation, has the right to require the prompt, complete, and impartial administration of justice; and with this object the Federation confides the administration of justice to a supreme court of justice, and to such tribunals as may be established in the separate states, reserving to itself the right to determine in the constitution the powers of the supreme court.

ART. 19. No person can be judged in the states and territories of the Union, except by laws in force, and by tribunals established prior to the act for which he is tried. Consequently all judgments by special commissions and all retroactive laws are forever prohibited.

### *Individual Government of the States.*

ART. 20. The government of each state shall be divided as to the exercise of its powers into a legislative, executive and judicial department; and two or more of these powers can never be entrusted to the same person or corporation, nor can the legislative power be confided to a single individual.

ART. 21. The legislative power of each state shall be entrusted to a



congress composed of such a number of individuals as may be determined by the constitution of each particular state, elected by the people, and removable at such time and in such manner as they may determine.

*Executive Power.*

ART. 22. The exercise of the executive power of each state shall only be exercised for a determinate period to be fixed by the respective constitutions of each state.

*Judicial Power.*

ART. 23. The judicial power of each state shall be exercised by such tribunals as may be established by its constitution.

*General Provisions.*

ART. 24. The constitutions of the different states cannot be in opposition to the act, nor to the provisions of the general constitution, and on this account they cannot be sanctioned until the publication of the latter.

ART. 25. Nevertheless the legislature of the different states may provisionally organise an internal government, and in the mean time they must see that the laws actually in force be observed.

ART. 26. The criminal of one state shall not receive asylum in another; but on the contrary must be immediately delivered over to the authorities requiring his delivery.

ART. 27. No state shall impose, without the consent of the general congress, any tonnage duty, nor maintain troops or vessels of war in time of peace.

ART. 28. No state shall, without the consent of the general congress, impose any tax or duty upon importations and exportations, during the period that this subject is not properly regulated by law.

ART. 29. No state shall enter into any transactions or contracts with another state, nor with any foreign power, nor engage in war, except in the event of actual invasion, or of such imminent danger that it does not admit of delay.

ART. 30. It is the duty of the nation to protect by wise and just laws the rights of man and of the citizens.

ART. 31. Every inhabitant of the Union has the liberty of writing, printing, and publishing his political ideas, without any necessity for previous license, revision or approbation, under the restrictions and responsibilities imposed by law.

ART. 32. The congress of each state must transmit annually to the general congress of the Union a circumstantial and correct account of the receipts and expenses of all the treasuries, which may exist in their respective districts, with an account of the causes of both, and of the different branches of industry, agriculture, commerce, and manufactures, indicating their progress, or decline together with the causes to which it can be attributed; the new modes of industry, which may be introduced and the means of fostering them; also their respective population.

ART. 33. All the debts, contracted before the adoption of this act,

shall be acknowledged by the Federation; reserving to the general congress the right of establishing the rules, which must govern its liquidation and classification.

ART. 34. The general constitution and this act guarantee to the states of the Union the form of government adopted by this law, and each state assumes likewise the obligation of sustaining the Federal Union at every sacrifice.

ART. 35. This act can only be changed within the time and in the manner expressed in the general constitution.

ART. 36. The execution of this act is confided to the executive power, which is strictly responsible to carry the same into effect, and from the time of its publication it shall be observed in every respect.

Mexico the 31st of January, 1824.

Here follow the signatures of the deputies.

In consequence we command that all tribunals, justices, chiefs, and other authorities, civil, military, and ecclesiastical, of whatever class or dignity, observe, and cause to be observed, accomplish and execute the present decree in all its parts, and cause it to be understood, that it may be carried into effect, and see that it be printed, published, and circulated.

Given in Mexico the 31st of January, 1824.

José Mariano Michilena, President; Miguel Domingo, Vincente Guerrero.

To the minister of foreign and internal affairs.

By order of their highness this is made known to you that you may understand it, and see that it be executed.

God and Liberty, Mexico, the 31st of January, 1824.

JUAN GUZMAN.

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## THE FEDERAL CONSTITUTION OF THE UNITED MEXICAN STATES, SANCTIONED BY THE GENERAL CONSTITUENT CONGRESS ON THE 4TH OF OCTOBER, 1824.

### *The General Constituent Congress to the Inhabitants of the Federation.*

MEXICANS:—The General Constituent Congress in putting into your hands the most arduous work which you could have entrusted to its care, the fundamental Code, which fixes the fate of the nation, and serves as an indestructible basis of the great edifice of your society, has thought it their duty to address you, in order to explain briefly the objects they had in view from the first moments of their union; the labors it has undertaken, and what it expects from your docility and submission when you begin to enjoy the gifts consequent on the federal system decreed and sanctioned by the majority of your deputies.

Congress will not employ itself in describing the series of events which have occurred in a revolution, which has lasted fourteen years, nor the great sacrifices which became necessary before the nation were able to secure the inestimable blessing of national independence. This is a task which the history of the present times will one day accomplish. At

present it is only necessary to remark, that the constant assaults of patriotism having broken the chain which united us to Spain, there could remain no other centre of union, no other connecting link between the different provinces of this great nation, but the leader who had induced all the towns to pronounce their independence. An impartial world will judge of the events which induced him to place himself at the head of a second revolution, and of his tragical end; but the fact is certain, that the State was dissolved by the fall of this unfortunate man, and that nothing could restrain the revolution of the provinces; none possessed superiority over the other; and the ship of state would have been wrecked by the pitiless storm, if the wisdom and prudence, with which the people hastened to convoke the former Congress, had not given the nation a new existence. Congress could not fail to attend to the wishes of a nation which had just given so striking a proof of its intelligence, and the deputies could not vote against the wishes of their constituents. Never have the legislators of any nation had a clearer manifestation of public opinion to direct their deliberations, and never will the representatives of any people find themselves in a more favorable situation of knowing the desires of those from whom they received their mandate; and your deputies will retire to the bosom of their families, with the pleasing satisfaction of having labored in the spirit, and agreeably to the necessities of their constituents.

To create a firm and free government, without its being dangerous to the people; to place the Mexican nation in the rank which it ought to hold among civilised nations, and enable it to exercise the influence to which it is entitled by its situation, its population, and its wealth; to make all equal before the law; to create peace without disorder; peace without oppression; justice without rigor; clemency without weakness; to mark the limits of the supreme authorities of the nation; to combine them in such a manner that their union shall always be productive of good, and render evil impossible; to regulate the march of the legislature, sheltering it at the same time from precipitation and error; to arm the executive power with sufficient power and dignity to make it respected in the interior, and deserving every consideration from foreigners; to secure to the judiciary such an independence, that it will never create fears in the breast of the innocent, and still less afford the hope of impunity to the guilty; all this is in effect difficult, and here you perceive, Mexicans, the sublime objects to which your General Congress has aspired in the Constitution, which it presents to you. It has, however, not the presumption to think, that it has completely satisfied all your expectations; but it flatters itself, that you will view with indulgence the numerous errors which the weakness of its abilities may have stamped upon it, in consideration of the zeal of the virtuous, of wise patriots engaged in framing it, in the very short space of eleven months allowed them.

Your representatives, in meeting in the hall of their sessions, take with them the wishes of the people, expressed with unanimity and energy. The voice of the Federal Republic has made itself heard from every corner of the republic; and the public desire for this form of government has explained itself so generally, and with as much force as it explained itself in favor of independence. Your deputies therefore entertained no doubt on this subject, as to the desires of the nation. Nevertheless circumspection, which ought to guide all legislators, required that they

should enter upon the examination, not only of the form of government, but likewise of the general existence of a desire to create one. You know, Mexicans, the discussions which have taken place on this subject, as well as their results. Your representatives cannot accuse themselves of having hurried on the march of events, nor of having given an impulse to the revolution. On the contrary, the nation being dissolved and disorganised, as well as exposed to be the sport of passions and parties, the General Congress, smoothing the difficulties, and sacrificing even their own reputation, lends its aid to arrest the genius of discord and disorder, restores peace and tranquillity, and pursues calmly its deliberations.

The division of the States, the installation of its respective legislatures, and the construction of a multitude of establishments, which have arisen in the short period of eleven months, furnish evidence that Congress has fulfilled in a great degree the hopes of the people, without pretending on this account to attribute to itself all the glory of such prosperous principles, and still less the original invention of the institutions which it has dictated. It had, fortunately, to do with a people obedient to the voice of duty, and a model to imitate in the flourishing republic of our neighbors to the North. It knew, fortunately, that the Mexican nation only intended to shake off passive obedience, and to enter on the discussion of their duties, interests, and obligations. It was fortunately penetrated with the desires and necessities of its constituents, and endeavored to fix their destinies, by giving to the public spirit a direction, conformable to an opinion formed by circumstances truly extraordinary, which had involved in a most disastrous revolution another people beyond the limits of Mexico.

The Federal Republic has been, and was the necessary fruit of these discussions. The systematic tyranny of the Spanish mandarins could alone induce them to govern so immense a territory by the same laws, considering the enormous differences of its climates, dispositions of its inhabitants, and their consequent influence. What relations of convenience or uniformity could possibly exist between the burning soil of Vera Cruz and the frozen mountains of New Mexico? How could the same institutions govern the inhabitants of California and Sonora and those of Yucatan and Tamaulipas? The innocence and candor of the interior populations, have no occasion for laws relative to crimes and intrigues which are entirely unknown to them. The inhabitants of Tamaulipas and Coahuilas will reduce their code to a hundred articles, while the inhabitants of Mexico and Jalisco will be on a level with the great nations which have advanced in the career of social order. These are the advantages of the federal system: It gives each people the right of selecting for itself laws, analogous to its customs, locality, and other circumstances; to dedicate itself without impediment to the creation and improvement of those branches of industry which it may deem best calculated to promote its prosperity; to give to its labors all the impulse of which they are susceptible, without the difficulties created by the colonial system, or any other which, being at enormous distances, would lose sight of the interests of those it governed; to provide for its necessities in proportion to its progress; to place at the head of its administration, individuals attached to the country, and possessing at the same time sufficient knowledge to discharge their duties efficiently; to

create the tribunals necessary for the prompt punishment of offences, the protection of property, and the security of its inhabitants; to terminate its domestic affairs without going beyond the limits of the state; in one word, to enjoy the rights of freemen.

The general congress was penetrated with the difficulties which the nation must conquer, in order to plant a system which, to say the truth, is complicated. It knows that it is an arduous undertaking, to obtain from intelligence and patriotism that, which can only be the effect of time and experience. But besides the consideration, that the soil of America is not contaminated with the vices of old Europe, we have before us the examples of modern nations, which have formed themselves, and enriched us with their knowledge. We have profited by the lessons which the world has received, since the happy invention of social science has loosened the cements of tyranny; and we ourselves have passed over, in the space of fourteen years the long period of three centuries. With such joyful presages, what ought not the Mexican nation to expect from its general congress?

Ancient legislators, in promulgating their laws, accompanied them with august preparations and ceremonies, calculated to produce that respect and veneration, which ought always to be their safeguard. An age of light and philosophy has dispersed these auxiliary prestiges of truth and justice; and these laws are now presented to the people, in order to undergo examination and discussion. Your representatives, employing this plain and natural language, place this day in your hands the code of your fundamental laws, the result of their deliberations, cemented in the soundest principles which hitherto have been acknowledged as the basis of social happiness in civilised countries. It was, fortunately, not required to compromise with those colosses, who in their fall disfigured the revolutions of other countries. If in our annals, we meet with an ambitious son of the country, his history will teach, by its example to our descendants, the danger which attends the attempt of appropriating exclusively to yourself advantages reserved to the entire body of society.

Your representatives therefore hope, from the heroic patriotism and pure virtues of the Mexicans, that, next to their national independence, they will sustain, at every sacrifice, the republican government to the exclusion of royalty in every shape. An implied and eternally obligatory contract unites all the nations of independent America, not to admit into its bosom any other form of government, the tendency of which to propagate itself is irresistible and dangerous. The institutions of the new world present a new and unknown order; like itself in the history of the great events which change the ordinary march of things; and as the fall of the Caesars confirmed in Europe the monarchical government, after the bloody and dangerous political revolutions which had preceded it, so, on the continent of Columbus, the democratical must necessarily finally prevail, after being revived with improvements on the ancient republics, owing to the vivifying inspirations of modern genius.

The time elapsed since the beginning of our revolution, has been usefully employed in collecting suitable arms, to drive back to the shades, whence they proceeded, all gothic governments, and to look for the constitutive bases of human associations in the immortal works of those sublime genii, who knew how to discover the lost rights of mankind.

The moment has arrived to apply these principles, and to open the eyes of the Mexicans to the torrent of light which they send forth. They have declared, that neither force, prejudices, nor superstition shall be the regulators of their government. They have declared, with a philosophical writer, that, after having verified with Newton the secrets of nature, defined with Rousseau and Montesquieu the principles of society, and fixed their basis, extended with Columbus the superficies of the known globe, arrested with Franklin the lightning of the clouds, and given it direction, and given, with other creating geniuses, an indestructible life and unlimited extension to the productions of man. Finally, that after having united by a thousand ties, of commerce and social relations, they can no longer tolerate any other government than that which is analogous to such an order, created by so great and so precious acquisitions. The elevation of character which the American people has acquired, does not permit them again to bend their knees before despotism and prejudice, always fatal to the welfare of nations.

But in the midst of this progress of civilisation, our country requires of us great sacrifices and a religious respect for morality. Your representatives inform you, that if you wish to place yourself on a level with the happy republic of our neighbors to the North, it is necessary, that you should elevate yourself to the lofty height of civic and moral virtues, which characterise that singular people. This is the sole basis of true liberty, and the best guarantee of your rights, and the permanency of your Constitution. The faithful observance of promises, the love of labor, the education of youth, respect for your fellow men, these, Mexicans, are the sources whence your own happiness and that of your descendants must emanate. Without these virtues, without due obedience to law and authority, without a profound respect for our admirable religion, we will in vain possess a code of liberal maxims; in vain boast of good laws, and in vain proclaim a sacred liberty.

The General Congress also expects from the patriotism and activity of the authorities and corporations of the Federation, as well as from the individuals of the States, that they will use their best endeavors to establish and to consolidate our new-born institutions. But if instead of confining themselves to the sphere of their attributes, they endeavour to go beyond it; if instead of setting an example, by a just observance of the constitution and general laws, they endeavor to elude their accomplishment by interpretations and subterfuges, the offspring of our scholastic education; in such an event we already renounce the right of being free, and succumb easily to the caprice of a tyrant national or foreign, who will introduce among us the peace of the sepulchre and the calm of a prison.

To you, therefore, legislators of the states, it belongs to develop the system of our fundamental law, the corner stone of which is the exercise of public and private virtue. The wisdom of your laws will shine forth in their justice and utility; and their accomplishment will be the result of a severe vigilance on the manners. Inculcate, therefore, on your constituents the eternal rules of morality and public order; teach them religion without fanaticism, the love of liberty without exaltation; the most inviolable respect for the rights of others, which is the foundation of human associations. Marats and Robespierres have elevated themselves among their fellow citizens by proclaiming these prin-

ciples, and these monsters have stained with tears and blood, the most illustrious nation on the earth, while they, imbued with crimes, rose by degrees to dignities whence they insulted the credulity of their fellow citizens. Washington proclaimed the same maxims, and this immortal man made the happiness of the States of the North. How are we to distinguish the first from the second; but by examining their manners, observing their progress, and remembering that without justice there can be no liberty, and that the bases of justice are founded on a just equilibrium between the rights of others and our own. This is the result of the problem of moral science.

Sheltered by this aegis, Mexicans, you have nothing to fear from your enemies. It is of no importance that our obstinate oppressors, dare even yet in speaking of us to employ the degrading word of colonists, while the Mexican name is already inscribed among cultivated nations, among those of other sovereign powers. It is of no importance that proud Spain, at present impotent, and an object of compassion to the rest of Europe, makes her feeble voice heard in the cabinets of foreign monarchs; all her pretensions will vanish before the consolidation of our institutions, and the strength the of arms of the sons of the country consecrated to the defence of their native land.

Let us, therefore, show the world, that only tyranny and the influence of despotic governments could retain us in the sad degradation in which we were confined for so many years, and that at the moment of shaking off this dominion, nothing can prevent us from returning to the great family of mankind, from which we appeared to be severed. Europe and the rest of America have their eyes fixed upon us, and our national honor is strongly engaged in our future conduct.

If we deviate from the path of the Constitution, if we do not regard it as one of our most sacred duties, to maintain order, and scrupulously to observe the laws contained in our new code; if we do not unite to save this deposit, and to shelter ourselves from the attacks of the malevolent; Mexicans, we will be disgraced for the future, without having been formerly happy, and we shall bequeath to our children, misery, war and slavery, while to ourselves there will remain no other resource than to choose between the sword of Cato, and the unfortunate fates of a Hidalgo, a Mina or a Morelos.

Mexico, the 4th of October, 1824.

Lorenzo de Zavala, President; Manuel de Viya y Cosio Deputy Secretary; Epigmenio de la Piedra, Deputy Secretary.

*Department of the first Secretary of State.*—Section of the Government—The Supreme Executive Power has thought proper to direct to me the following decree:

The supreme executive power, appointed provisionally by the sovereign, general and constitutive congress of the United Mexican States, to all to whom these presents may come, greeting; be it known, that the same sovereign congress has been pleased to decree as follows:

The sovereign, general and constitutive congress of the United Mexican States has thought proper to decree:

That the government shall proceed solemnly to publish without loss of time, the constitution in this capital, and shall immediately communicate the same to the governors of the states and political authori-

ties in order to enable them to do the same in all the towns within their limits.

The supreme executive power shall regard it as understood, and take the necessary measures to carry it into effect, causing it to be printed published and circulated.

Lorenza de Zavala, President; Manuel de Viya y Cosio, Deputy Secretary; Epigmenio de la Piedra, Deputy Secretary.

In consequence we enjoin on all tribunals, justices, commanders, governors and other authorities as well civil as military and ecclesiastical, of whatever class and dignity, that they observe and cause to be observed, accomplished and executed the present decree in all its parts. You will therefore hold it understood for its execution and take suitable dispositions to have it printed, published and circulated.

In the National Palace of Mexico, 4th October, 1824.

Guadalupe Victoria, President; Nicholas Bravo Miguel Dominguez, A. D. Juan Guzman.

Which is made known to you for your information and its accomplishment.—May God preserve you many years.

Mexico, 4th October, 1824.

JUAN GUZMAN.

*The Supreme Executive Power* appointed provisionally by the sovereign congress of the nation, to all to whom these presents shall come, greeting; Know ye that the said sovereign congress has decreed and sanctioned the following

## FEDERAL CONSTITUTION OF THE UNITED MEXICAN STATES.

In the name of Almighty God, supreme author and legislator of society. The general constituent congress of the Mexican nation in discharge of the duties imposed upon it by its constituents in order to fix their political independence, to establish and consolidate their liberty and to promote their prosperity and glory decree as follows:

## CONSTITUTION OF THE UNITED MEXICAN STATES.

### TITLE I.

#### *Only Section.*

#### *Of the Mexican Nation, its Territory and Religion.*

ART. 1. The Mexican nation is for ever free and independent of the Spanish government and of every other power.

ART. 2. Its territory comprehends the former vice-royalty of New Spain, the captain-generalship of Yucatan, the former commandancies of the internal provinces of the east and west and Upper and Lower



California with the lands annexed and the adjacent islands in both oceans. A constitutional law will be made for designating the boundaries of the Federation as soon as circumstances will permit.

ART. 3. The religion of the Mexican nation shall perpetually remain the Roman Catholic and Apostolic. The nation protects it by wise and just laws and prohibits the exercise of every other.

## TITLE II.

### *Only Section.*

#### *Of the form of Government of the Nation, of its integral parts, and of the division of the Supreme Power.*

ART. 4. The Mexican nation adopts for the form of its government a popular representative and federal republic.

ART. 5. The constituent parts of the Federation are the following States and Territories, viz: the States of Chiapas, Chihuahua, Coahuila and Texas, Durango, Guanajuato, Mexico, Michoacan, Nuevo Leon, Oajaca, Pueblo de los Angeles, Queretaro, San Luis Potosi, Sonora and Sinaloa, Tabasco, Tamaulipas, Vera Cruz, Jalisco, Yucatan, and Zacatecas; the Territories of Upper California, Lower California, Colima, and Santa Fe de Nuevo Mexico. A constitutional law will fix the character of Tlascala.

ART. 6. The Supreme power of the Federation as to its exercise, is divided into the legislative, executive and judicial powers.

## TITLE III.

### OF THE LEGISLATIVE POWER.

#### *Section First.*

##### *Of its Nature, the Mode of exercising it.*

ART. 7. The legislative power of the nation is confided to a General Congress, which is divided into two chambers, one for the Deputies, and the other for the Senators.

#### *Section Second.*

##### *Of the Chamber of Deputies.*

ART. 8. The Chamber of Deputies shall be composed of representatives, the whole of which shall be elected every two years by the citizens of the States.

ART. 9. The qualifications of the electors shall be constitutionally prescribed by the legislatures of the states, to which it also belongs to regulate the elections conformably to the principles established by this constitution.

ART. 10. The general basis for the appointment of deputies shall be the population.

ART. 11. A deputy shall be elected for every eighty-thousand inhabitants and for every fraction exceeding forty thousand. Any state, which may not have so large a population is nevertheless entitled to one deputy.

ART. 12. A census of the whole confederation shall be taken within five years, and shall be renewed afterwards every ten years, which shall serve to designate the number of deputies to which each state is entitled. In the meantime the elections are to be regulated on the basis established in the preceding article, and the census which served to regulate the election of deputies in the congress now in session.

ART. 13. There shall also be elected in every state deputies substitutes in proportion of one for every three deputies or one for every fraction of two. States having less than three deputies will elect one substitute.

ART. 14. Every territory containing more than fifty thousand inhabitants, shall name one deputy and one substitute, who shall have voice and vote in the formation of all laws and decrees.

ART. 15. A territory not possessing the aforesaid population, shall name a deputy and a substitute, who shall have the right to speak on all subjects. The elections of the deputies from the different territories shall be regulated by a special law.

ART. 16. In all the states and territories of the Federation, the appointment of the deputies shall take place the first Sunday in the month of October next preceding the renovation, which is an indirect election.

ART. 17. As soon as the election of deputies is concluded, the electoral boards shall, through their president, forward to the council of the government evidence, in due form, of the act of election, and duly certified, and they shall notify to the persons appointed their election, which shall serve as their credentials.

ART. 18. The president of the council of the government shall give to this evidence, spoken of in the preceding article, that direction which is prescribed by the regulations of said council.

ART. 19. In order to be appointed deputy it is necessary:

1st. To have, at the time of election, full twenty-five years.

2d. To have resided in the state from which elected full two years, or to be born in it, though residing in a different state.

ART. 20. Those not born in the territory of the Mexican nation, must, in order to be elected deputies, have resided at least eight years within the same, and possess real estate in some part of the republic worth eight thousand dollars, or some species of industry making them an income of one thousand dollars annually.

ART. 21. Are excepted from the operation of the preceding article:

1st. All those born in any part of America, which, in 1810, depended on Spain, and which has not united with any other nation, and which no longer remains dependent on Spain, for whom three years residence will suffice, provided they have the other requisites prescribed by the 19th article.

2d. All military men not born in the territory of the Republic, but who have supported with arms the independence of the country, for

whom it shall be sufficient to have resided eight years in the country, and to possess the qualifications required by article 19.

ART. 22. The election of deputies on account of residence shall be preferred to that made on account of birth.

ART. 23. The following cannot be deputies, viz:

1st. Those deprived of, or suspended from, the rights of citizens.

2d. The president and vice president of the Union.

3d. The members of the supreme court of justice.

4th. The secretaries of the different departments, their officers and secretaries.

5th. The officers of the treasury, whose employments extend throughout the Union.

6th. The governors of the states and territories, the commandant generals, the right reverend archbishops and bishops, the governors of the archbishops and bishops, the provisor and vicar generals, the circuit judges, and the commissary generals of war and finance for the states and territories in which they exercise their functions.

ART. 24. In order that the persons comprehended in the preceding article may be elected deputies, it is necessary that their functions should have entirely ceased six months previous to the elections.

### *Section Third.*

#### *Of the Chamber of the Senators.*

ART. 25. The senate shall be composed of two senators from each state, elected by an absolute majority of the legislature of each state, one half of their number to be renewed every two years.

ART. 26. The senators elected in the second place shall cease to hold their places at the end of the two first years, and afterwards the most ancient.

ART. 27. When there occurs a vacancy in the senate on account of death, resignation, or other cause, such vacancy shall be filled by the legislature of the respective state, if such legislature be in session, and if not, as soon as it may be in session.

ART. 28. In order to be senator the same qualities are required, which are prescribed in the preceding section for deputy, and moreover to be thirty years at the time of the election.

ART. 29. Those who cannot be deputies cannot be senators.

ART. 30. Article 22 shall likewise govern the election of senators.

ART. 31. When the same individual is elected senator and deputy, he shall prefer the election prior in point of time.

ART. 32. The periodical election of senators shall take place in all the states on the same day, which shall be the 1st of September next, to the renewal of one-half of the senate.

ART. 33. When the election of the senators, the different legislatures shall forward a certificate of the same, through their presidents to the council of the government, in the usual form of acts of election, and make known to the persons elected their appointment by another instrument which shall serve as a credential of their election. The president of the council of the government shall dispose of these certificates of election in the manner prescribed in the 18th article.

*Section Fourth.**Of the Economical Functions of the two Chambers and of the Prerogatives of their Members.*

ART. 34. Each chamber in its preparatory boards, and in all which has reference to its interior government, will observe the regulations which shall be formed by the present congress, without prejudice to such reforms, which may in future be introduced, if both chambers shall deem it proper.

ART. 35. Each chamber is judge of the elections of its respective members, and shall resolve all doubts which may arise relative to the same.

ART. 36. The chambers cannot open their sessions without the concurrence of more than the half of all the members elected; but the members present of both chambers ought to unite on the day indicated by the regulation for the interior government of both, and compel respectively their absent members to attend under the penalties prescribed by law.

ART. 37. The chambers shall communicate with each other and with the executive power by means of their secretaries, or by means of deputations.

ART. 38. Each of the chambers in their capacity of grand jurors can take cognisance of the following offences, viz:

1. Of the President of the Union, for the crimes of treason against the national independence, or the established form of government, and for bribery and corruption committed during the period of his employment.

2. Of the same president; for acts manifestly intended to hinder the elections of presidents, senators and deputies, or to prevent them from serving in their respective employments during the periods pointed out by the constitution, or for preventing the chambers from exercising any of the powers conferred on them by the constitution.

3. Of the members of the supreme court of justice, and the secretaries of the departments; for any offences committed during the time of their holding their employments.

4. Of the governors of the states; for infractions of the constitution, the laws of the Union, or the orders of the President of the Federation, which are not obviously contrary to the constitution and the general laws of the Union, and also for the publication of the laws or decrees of the legislatures of their respective states contrary to the same constitution and laws.

ART. 39. The Chamber of Representatives shall be exclusive grand jurors, when the President and his ministers shall be accused of acts in which the senate and the council of the government have intervened by virtue of their attributes. The same chamber shall also serve as grand jurors in all cases where the vice president shall be accused of any offence committed during the time of holding his office.

ART. 40. The Chamber before which may have been made the accusations spoken of in the preceding articles, shall form itself into a grand jury, and shall declare by the vote of two-thirds of its members present, if there be sufficient cause for having the accused tried, in which event

he shall be suspended from office, and the cause sent to the competent tribunal.

ART. 41. Every deputy and senator has the right of presenting in writing propositions and projects of laws or decrees in his respective Chamber.

ART. 42. The deputies and senators are not responsible for any opinions which they may express in the discharge of their employments, and they can never be called to account for the same.

ART. 43. In criminal prosecutions brought against the senators or deputies from the day of their election, until two months after they shall have discharged their functions, the former cannot be accused except before the Chamber of Deputies, and the latter, except before the Senate, and in the event of similar accusations the Chamber shall form itself into a grand jury, for the purpose of determining if there be any foundation for such accusation.

ART. 44. If the Chamber, constituting the grand jury in the cases mentioned in the preceding article, should declare by the vote of two-thirds of the members present, that the accusation is well founded; the accused remains suspended from his employment, and placed at the disposal of the competent tribunal.

ART. 45. The compensation of the deputies and senators shall be determined by law, and be paid by the General Treasury of the Confederation.

ART. 46. Each Chamber as well as the boards spoken of in the 36 art., may issue such orders as it deems convenient, in order to carry into effect any resolutions adopted by virtue of the function, delegated to each by virtue of the 35, 36, 39, 40, 44 and 45th art., of the Constitution, and the President of the United States ought to cause them to be executed, without possessing the right of making any observations on their tenor.

### *Section Fifth.*

#### *Powers of the General Congress.*

ART. 47. No resolution of the General Congress shall assume any other form than that of a law or a decree.

ART. 48. The resolutions of the General Congress, in order to have the force of a law or decree ought to be signed by the President, except in those cases excepted by the Constitution.

ART. 49. The laws or decrees, which emanate from the General Congress, shall have for their object:

1. To sustain the national independence, and to provide for the preservation and security of the nation in its exterior relations.

2. To preserve the Federal Union of the States, and peace and public order in the interior of the Confederation.

3. To maintain the independence of the States among themselves, so far as respects their government according to the Constitutive act and this Constitution.

4. To sustain the proportional equality of obligations and rights which the states possess in point of law.

ART. 50. The exclusive powers possessed by the General Congress are the following, viz:

1. To promote instruction by securing for a limited time to authors the exclusive privilege to their works; by establishing colleges for the Marine, Artillery and Engineer Departments; by erecting one or more establishments, for the teaching of the natural and exact sciences, the political and moral sciences, the useful arts and languages; without prejudice to the rights which the states possess, to regulate the public education in their respective states.

2. To promote the general prosperity, by decreeing the opening of roads, canals, and their improvement without hindering the states from opening and improving their own; establishing post offices and post roads, and securing for a limited time to inventors, or those who have perfected, or introduced any new invention, the exclusive privilege for their respective invention, improvements or new introductions.

3. To protect and regulate the political liberty of the press in such a manner that its exercise can never be suspended, and much less be abolished in any of the states or territories of the confederation.

4. To admit new states and territories into the federal union, and to incorporate the same with the nation.

5. To regulate definitively the boundaries of the states, and terminate the differences, when they cannot agree among themselves about the lines of demarcation of their respective districts.

6. To erect territories into states and regulate them in conformity with those already existing.

7. To unite two or more states, upon their petition to that effect, into one, or to erect new states within the limits of those already in existence, with the approbation of three fourths of the members present in both chambers, and the ratification of an equal number of the legislatures of the other states of the Union.

8. To fix the general expenses, establish the contributions necessary in order to defray them, to regulate their collection, determine their expenditure, and to require annually account of the same from the government.

9. To contract debts on the credit of the confederation, and to fix the guarantees of their repayment.

10. To acknowledge the national debt, and indicate the means to consolidate and extinguish the same.

11. To regulate the commerce with foreign nations, between the different states of the Union and with the Indian tribes.

12. To give instructions for the forming of Concordates with the Holy See, to approve and ratify the same, and to regulate the right of patronage (*patronato*) in the whole Union.

13. To approve treaties of peace, alliance, friendship, confederation, armed neutrality, and all others which the President of the United States may enter into with foreign powers.

14. To establish ports of all kinds, erect custom-houses, and designate their location.

15. To determine and render uniform the weight, fineness, value, stamp and denomination of the coins throughout the Union, and to adopt a general system of weights and measures.

- ✓ 16. To declare war, upon examining the facts presented to its consideration by the President of the United States.
- ✓ 17. To establish rules for the granting of letters of marque, and for declaring valid or invalid prizes on land and water.
- ✓ 18. To designate the force of the army and navy, to fix the contingent of men to be furnished by each state, to establish ordinances and rules for their organisation and service.
- ✓ 19. To form regulations for the organisation, arming and disciplining of the local militia of the states; reserving to each state the appointment of its own officers and the faculty of instructing them according to the discipline laid down in the aforesaid regulations.
- ✓ 20. To grant or to refuse the entrance of foreign troops into the territory of the confederation.
- ✓ 21. To permit or to refuse squadrons belonging to foreign powers to remain for more than one month in Mexican harbors.
- ✓ 22. To permit the departure of the national troops beyond the limits of the republic.
- ✓ 23. To create or suppress all public employments of the Federation, to fix, increase or diminish the appointed salaries, rewards, in case of retirement, and pensions of the same. }
- ✓ 24. To grant rewards and compensations to persons who have rendered great services to the republic, and to decree public honors in memory of great men.
- 25. To grant amnesties and indulgences for offenses the cognisance of which appertains to the tribunals of the confederation, in such cases, and upon observing the prerequisites prescribed by law.
- ✓ 26. To establish a uniform rule of naturalisation.
- 27. To establish general rules as to bankruptcy throughout the Union.
- ✓ 28. To select a place of residence for the supreme powers of the Federation and to exercise in its district the attributes of the legislative power of a state.
- ✓ 29. To change such residence whenever it may deem it necessary.
- 30. To grant laws and decrees for the interior administration of the Territories.
- 31. To dictate all laws and decrees, which may conduce to accomplish the objects spoken of in the forty-ninth article without intermeddling with the interior administration of the states.

*Section Sixth.*

*Of the Formation of the Laws.*

ART. 51. The formation of all laws and decrees may begin indistinctly in either of the chambers, except those having for their object the levying of contributions or of raising taxes, which must originate in the Chamber of Deputies.

Art. 52. The following shall be considered as initiatives of laws;

1. Propositions which the President of the United Mexican States shall deem advantageous to the Union and which as such he shall specially recommend to the Chamber of Deputies.

2. Propositions, projects of laws or decrees, which the legislatures of the states may address to either chamber.

ART. 53. All projects of laws or decrees without any exception whatever shall be successively discussed in the two chambers, observing in both with exactness what it prescribed in the regulations as to the form of debate, as well as to the delays and modes of proceeding in voting.

ART. 54. Propositions of laws or decrees, which have been rejected in the chamber, where they originated, before the final reading cannot again be proposed by any member during the sessions of that year, nor until the ordinary sessions of the year following.

ART. 55. If the propositions of laws or decrees after having been discussed be approved by an absolute majority of the members present in both chambers, they shall be sent to the president, who if he also approves shall sign and publish the same; and if not, shall return them with his observations within ten working days to the chamber whence they originated.

ART. 56. The propositions of laws or decrees returned by the president, according to the preceding article, shall be a second time discussed in the two chambers. If in each of them, they be approved by two-thirds of the members present, they shall again be sent to the president, who without further excuse must sign and publish them; but if not approved by the votes of two-thirds of the members, they cannot again be proposed until the year following.

ART. 57. If the president should not return a proposed law or decree within the period prescribed in the 55th art. it shall be considered as approved by that very fact, and be promulgated as law; unless while the delay is not yet expired, congress should have closed or suspended its sessions, in which event the return must be made on the first day thereafter when congress shall again unite.

ART. 58. The projects of laws or decrees once wholly rejected by the chamber of revision, shall be returned by said chamber to that in which it originated. If upon re-examination in the latter, it be approved by two-thirds of the members present, it shall be sent back again to the chamber by which it was rejected, who shall not again reject it, unless by the vote of two-thirds of the members present.

ART. 59. All proposed laws or decrees, which, on a second examination, have been approved by two-thirds of the members of the chamber where they originated, and not disapproved by two-thirds of the chamber of revision, shall be sent to the president who must sign and circulate them, or send them back within ten working days to the chamber where they originated.

ART. 60. All propositions of laws or decrees which, according to the preceding article, the president may send back to the chamber where they originated, shall be again considered, and if they are approved by two-thirds of the members present, and the chamber of revision be not equally divided, they shall be returned to the president, who shall cause them to be published. But if in their origin they were approved by two-thirds of the chamber, or disapproved by an equal number of the chamber of revision, they cannot again be taken up except at a subsequent regular session.

ART. 61. In case they should be reproved a second time by the chamber of revision, according to article 58, the proposition shall be considered as thrown out, and it cannot again be taken up until the following year.



ART. 62. In the amendments, which the chamber of revision may make to proposed laws or decrees, the same formalities must be observed as on other subjects requiring the approbation of the president.

ART. 63. The portions of a proposed law or decree, which may be once disapproved by the chamber of revision, are subject to the same formalities as those propositions which have been wholly disapproved.

ART. 64. In the interpretation, modification, and repeal of laws and decrees the same formalities must be observed which are required for their formation.

ART. 65. Whenever any resolution of the general congress is communicated to the President of the Republic, it must be signed by the presidents of both chambers, and by a secretary belonging to each.

ART. 66. No law or decree can be formed in either chamber without the presence of an absolute majority of the members composing it.

*Section Seventh.*

*Of the Time, Duration and Place of holding the General Congress.*

ART. 67. The general congress shall meet every year on the 1st of January, in the place designated by law. The regulations for the interior government of the same, shall prescribe the formalities previous to the opening of the same, as well as those to be observed at its installation.

ART. 68. The President of the Confederation shall assist at this opening, and shall pronounce a discourse suitable to this important act; to which, the presiding officer of congress shall reply in general terms.

ART. 69. The ordinary sessions of congress shall be held daily, without any other interruption than solemn days of festivals; and in order to suspend its meetings for more than two days, the consent of both chambers is necessary.

ART. 70. The chambers shall reside in the same place; and they cannot remove to another, without previously agreeing on such removal, as well as the time and manner of effecting it, and designating the same point for their re-union. But if both agree on the removal, but differ as to time, mode, and place, the President of the Union shall decide the question, by choosing one of the places in dispute.

ART. 71. The general congress shall close its sessions annually on the 15th of April, with the same formalities prescribed for its opening, with the faculty of prolonging it for thirty working days whenever they deem it necessary, or the President of the Union may request it.

ART. 72. Whenever the general congress may unite in extra session, it shall be composed of the same deputies and senators which formed the ordinary session, and who will confine their attention exclusively to the objects for which they were convoked; but if these be not disposed of at the day appointed for the regular session, the extra session must be closed, and the points pending left to the decision of the ordinary congress.

ART. 73. The resolutions taken by congress relative to the change, prorogation, or suspension of its sessions, according to the three preceding articles, must be communicated to the president, who will cause them to be executed without making any observations thereon.

## TITLE IV.

## OF THE SUPREME EXECUTIVE POWER OF THE CONFEDERATION.

*Section First.**Of the Persons to whom this Power is confided, and their Election.*

ART. 74. The supreme executive power is entrusted to a single individual, who shall be styled President of the United Mexican States.

ART. 75. There shall also be a vice president, who shall discharge all the duties of the president, in case of physical or moral inability of the latter.

ART. 76. In order to be president or vice president it is necessary to be born a Mexican citizen, to be thirty-five years of age at the time of election, and residing in the country.

ART. 77. The president cannot be re-elected until the fourth year after his functions have ceased.

ART. 78. He who has been elected president or vice president of the republic, will discharge these functions in preference to all others.

ART. 79. The 1st of September, of the year immediately preceding that on which the president ought to enter on his office, the legislature of each state must elect, by an absolute majority of votes, two individuals, of which one at least shall not be a resident of such state.

ART. 80. When the vote has been taken, the legislatures shall forward to the president of the council of government, evidence of the act of election in due form, in order that he may dispose of the same in the manner prescribed by the regulations of the council.

ART. 81. On the 6th of January following, the evidence, spoken of in the preceding section, shall be opened and read in joint session of the chambers, if two-thirds of the votes of the states have been received.

ART. 82. When this evidence has been read, the senators shall retire, and a committee, appointed by the chamber of deputies, and composed of one member from each state represented, shall give an account of the result.

ART. 83. The chamber shall forthwith proceed to examine the election, and enumerate the votes.

ART. 84. He who unites the absolute majority of the votes of the legislatures shall be president.

ART. 85. If two were to possess a majority, he shall be president who has the greatest number of votes, and the other vice president. In case of equality, the chamber of deputies shall elect one as president, and the other shall be vice president.

ART. 86. If neither have the absolute majority of votes of the legislatures, the chamber of deputies shall elect the president and vice president, choosing for each one having the greatest number of votes.

ART. 87. When more than two individuals possess a majority, or equal number of votes, the chamber shall choose among them the president or vice president, as the case may be.

ART. 88. If one have the absolute majority, and two or more an

equality of votes, but greater than the rest, the chamber shall choose from those having the greatest votes.

ART. 89. If all have an equal number of votes, the chamber shall choose a president and vice president from among the whole; as also, when one has a greater number, and the rest an equal number of votes.

ART. 90. Should there be a tie, when voting upon the elections of the legislatures, the vote shall be repeated once, and if it still continues to be a tie, chance shall decide.

ART. 91. In competitions between two or more, having an equal number of votes, the voting must be directed to reduce the competitors to two or one, in order that the remaining party be placed in competition with him who has a majority of votes.

ART. 92. As a general rule, in voting for president and vice president, chance shall not be resorted to till after two votings.

ART. 93. In voting on the elections of the legislatures, as well as on the nomination of president and vice president, the representation of each state shall have but one vote; and in order to have a decision of the chamber, there must be an absolute majority of votes.

ART. 94. In order to deliberate on the objects mentioned in the preceding article, there must concur more than one-half of the whole number of members, and three-fourths of the deputies of the states.

### *Section Second.*

#### *Of the Duration of the Presidency and Vice Presidency, and the mode of filling Vacancies in each, and of their Oath.*

ART. 95. The President and Vice President of the Union shall enter on their functions on the 1st of April; and shall vacate their offices, on the same day four years afterwards, by a new and constitutional election.

ART. 96. If from any cause whatever, the elections of president and vice president should not be completed and published by the first of April on which the installation is to take place, or the persons elected should not be ready to enter on the office, the functions of the former shall, nevertheless, cease, and the chamber of deputies, voting by states, shall elect a president ad interim.

ART. 97. In case the president or vice president be temporarily prevented, what has been prescribed in the preceding article shall take place, and if the impediment were to occur while the congress is not in session, the supreme executive power is confided to the president of the supreme court of justice and two individuals chosen by the absolute plurality of votes of the council of the government. These cannot be members of the general congress, and they ought to possess the qualifications required of the president of the Union.

ART. 98. While the elections above spoken of are making, the president of the supreme court of justice discharges the executive power.

ART. 99. In the event of perpetual impossibility of the president or vice president, congress, and in their recess the council of government, shall provide for the case according to the 96th and 97th articles, and take steps that the legislatures proceed to elect a president and vice president according to the constitutional forms.

ART. 100. The election of president and vice president made by the legislatures, in consequence of the perpetual impossibility of those holding these offices, shall not prevent the ordinary elections which take place the first of September every four years.

ART. 101. The president and vice president elected every four years, ought to be on the first of April in the place where the supreme powers of the Union reside, and take an oath before the united chambers to fulfil their duties in the following form: I, —, appointed president (or vice president) of the United Mexican States, swear before God and his holy evangelists, that I will faithfully discharge the office which the United States have entrusted me with, and that I will observe, and cause to be observed, exactly the constitution and the general laws of the confederation.

ART. 102. If neither the president nor the vice president present themselves to take the preceding oath, and the session of congress is open, they shall take such oath before the council of government as soon as each presents himself.

ART. 103. If the vice president present himself, and take the oath before the president, he shall be at the head of government until the president has taken the oath of office.

ART. 104. The president and vice president, constitutionally appointed according to the 99th article, and the individuals provisionally appointed to exercise the functions of president according to the 96th and 97th articles, shall take the oath mentioned in the 101st article, before the chambers if in session, and if not, before the council of the government.

### *Section Third.*

#### *Of the Prerogatives of the President and Vice President.*

ART. 105. The president may propose to congress such new laws or reform in old laws as he may think conducive to the general good, by proposing them to the chamber of deputies.

ART. 106. The president may once, within ten working days, make observations on laws and decrees passed by the general congress, and suspend their publication until the resolution of congress, except in cases provided for by the constitution.

ART. 107. The president, while he remains in office, can only be accused before one of the chambers, and only for the offences mentioned in the 38th article, and committed at the time therein specified.

ART. 108. Within one year, counting from the time at which the office of the president ceases, he cannot be accused except before the chambers, for offences mentioned in the 38th article, as well as for all others committed during the time he was in office. When the year is passed, he cannot be accused for such offences.

ART. 109. The vice president, during the four years of his employment, can only be accused before the chamber of deputies for an offence committed during the time of such employment.

*Section Fourth.*

*Of the Attributes of the President, and the Restrictions of his Powers.*

ART. 110. The attributes of the president are the following:

- ✓ 1. To publish, circulate, and cause to be observed, the laws and decrees of the general congress.
- ✓ 2. To make regulations, decrees, and orders for the better observance of the constitution, constitutive act, and general laws.
- 3. To execute the laws and decrees having for their object the preservation of the integrity of the Union, and to sustain its exterior independence, and its interior union and liberty.
- ✓ 4. To appoint and remove at pleasure the secretaries of state.
- 5. To watch over the collection, and decree the appropriation of the general contributions agreeably to law.
- ✓ 6. To name the heads of the treasury, the general commissaries, diplomatic agents, consuls, colonels and other superior officers of the permanent army, and of the armed and active militia, with the approbation of the senate, and in the recess, by the council of the government.
- ✓ 7. To appoint the other officers of the permanent army and of the armed and active militia, and the officers of the confederation observing therein the dispositions of the law.
- 8. To appoint, out of three candidates proposed by the supreme court, the judges and fiscals of the circuit and district courts.
- 9. To grant discharges and furloughs, and regulate the pensions of the military, agreeably to law.
- ✓ 10. To dispose of the permanent army and navy and the active militia for the interior security and external defence of the nation.
- 11. To dispose of the local militia for the same objects, and even employ the same beyond the limits of their respective states and territories, after previous consent of the general congress, which shall specify the force necessary, and, if congress be not in session, the council of the government shall give its consent, and make the aforesaid specification.
- ✓ 12. To declare war in the name of the United Mexican States, upon a previous decree of the general congress; grant letters of marque according to the provisions of law.
- 13. To make concordats with the Apostolic See, according to the terms of the 12th power of the 50th article.
- ✓ 14. To direct diplomatic negotiations, and make treaties of peace, friendship, alliance, truce, confederation, armed neutrality, commerce, and all other kinds; but in order to give or withhold ratification of the same, the approbation of the general congress is necessary.
- ✓ 15. To receive ministers and other agents of foreign powers.
- 16. To ask of the general congress the prorogation of their sessions for thirty working days or less.
- ✓ 17. To convoke extra sessions of congress when he thinks it necessary, and two-thirds of the members present of the council of government shall agree to it.
- ✓ 18. Also to convoke extra sessions of congress, when two-thirds of the members present of the council of government think it necessary.

19. To see that prompt and perfect justice is administered by the supreme court and other tribunals of the Union, and that their decrees be carried into effect, according to law.

20. To suspend from their employments, for a space not exceeding three months, and deprive of not more than half their salaries for the same period, all persons employed by the Union, who violate his orders or decrees, and, if he thinks such persons should be tried, to send them before the competent tribunals.

21. To approve or retain decrees of councils, pontifical bulls, letters, and rescripts, with consent of the general congress, consulting the senate, and, in the recess, the council of government, when they treat on subjects peculiar to the administration, and the supreme court, when on subjects of litigation.

ART. 111. The president, in publishing the laws and decrees, shall use the following formula: "The President of the United Mexican States makes known to the inhabitants of the Republic, that the General Congress has decreed as follows: [here insert the text]." Wherefore, I order that the same be printed, published, and circulated and carried into effect.

ART. 112. The restrictions of the president's powers are the following:

1. The president cannot command in person the army or navy without the previous consent of the general congress, or, in its recess, the council of government, by a vote of two-thirds of the members present, and when he commands them with such permission, the vice president shall act as president.

2. The president cannot deprive any one of his liberty, nor impose any punishment; when the welfare and security of the Union requires, he may, however, arrest persons, placing them, within forty-eight hours, at the disposition of the competent tribunals.

3. The president cannot occupy the property of any individual or corporation, nor disturb them in their possession or use of the same; and if in any case it should be necessary for some object of acknowledged utility to take the property of an individual or a corporation, it cannot be done without previous approbation of the senate, and in the recess, the council of government, always indemnifying the party the value fixed by appraisers chosen by himself and the government.

4. The President cannot impede elections nor the other acts spoken of in the 38th article.

5. Neither the President nor the Vice President can leave the republic during the time of their office, nor for a year afterwards.

### *Section Fifth.*

#### *Of the Council of the Government.*

ART. 113. During the recess of Congress there shall be a Council of Government composed of half the senate, one from each state.

ART. 114. For the first two years the council shall be composed of those first elected by their respective legislatures, and in the sequel by the oldest.

ART. 115. The Vice President shall be president of the council, and

he shall appoint according to his own regulation a president pro tempore to discharge his functions in his absence.

ART. 116. The attributes of this council shall be as follows:

1. To watch over the observance of the constitution and the constitutive act and general laws, keeping a record of all incidents relating to this subject.

2. To make such observations to the President as they deem useful to the accomplishment of the constitution and laws of the Union.

3. To require, of their own accord, or at the request of the President, extra sessions of Congress, but in such cases two thirds of the members present must concur, according to §§ 17. and 18. of art. 110.

4. Give their consent for using the local militia, according to § 9. of art. 110.

5. Approve of the appointments mentioned § 6. of art. 110.

6. Give its consent in the case of art. 112. § 1.

7. Appoint two individuals, who jointly with the president of the supreme court, shall exercise provisionally the supreme executive power, according to art. 97.

8. To receive the oath of art. 101, from the individuals of the supreme executive power, in the cases mentioned in the constitution.

9. To give their opinion in consultation with the President, according to § 21, art. 110. and on other subjects on which he may consult them.

### *Section Sixth.*

#### *Of the Business of Government.*

ART. 117. For the despatch of the business of government of the republic, there shall be appointed such a number of secretaries as Congress may establish by general law.

ART. 118. All the regulations, decrees and orders of the President ought to be signed by the secretary of state of the department to which it belongs, and without this formality they are not to be obeyed.

ART. 119. The secretaries of state shall be responsible for all acts of the President, signed by them contrary to the constitution, the constitutive act, general laws, and the constitutions of particular states.

ART. 120. The secretaries of state shall give to each chamber, as soon as it opens, an account of the situation of their respective departments.

ART. 121. In order to be secretary of state, one must be born a Mexican citizen.

ART. 122. The secretaries of state shall form regulations for the distribution and despatch of business under their care, which shall be submitted by government to Congress for their approbation.

## TITLE V.

## OF THE JUDICIAL POWER OF THE UNION.

*Section First.**Of the Nature and Distribution of this Power.*

ART. 123. The judicial power of the Union shall reside in a supreme court of justice, and in circuit and district courts.

*Section Second.**Of the Supreme Court of Justice, the Election, Duration and Oaths of its Members.*

ART. 124. The supreme court of Justice shall be composed of eleven ministers, divided into three chambers, and of one fiscal, the general Congress having power to increase this number if they think proper.

ART. 125. In order to be elected member of the supreme court, it is necessary to be instructed in the science of law, in the opinion of the legislatures of the states, to have thirty-five years of age, be a natural born citizen of the republic, or born in some part of America, which prior to 1810 belonged to Spain, and which has separated from it, provided he have five years residence within the republic.

ART. 126. The individuals composing the supreme court of justice shall hold the office for life, unless removed according to law.

ART. 127. The election of the members of the supreme court shall take place on the same day, by the legislatures of the state by an absolute majority.

ART. 128. The elections concluded, each legislature shall send to the president of the council of the government a certified list of the twelve individuals elected, noticing him who has been appointed Fiscal.

ART. 129. The president of the council as soon as he shall have received the lists of at least three-fourths of the legislatures, shall dispose of them in the manner prescribed by the regulations of the council.

ART. 130. On the day appointed for the meeting of Congress, the said list shall be opened and read, in the presence of both chambers, after which the senators shall retire.

ART. 131. Immediately the chamber of deputies shall appoint by an absolute majority a committee, which must be composed of one deputy from each state, whose representatives are present, to which the lists must be sent, in order to verify the result, after which the chamber will verify the election and count the votes.

ART. 132. The individual or individuals uniting more than one half of the votes given by all the legislatures, and not by those of their respective members, shall be regarded as elected, and the chamber will so declare them.

ART. 133. If those uniting a majority of the suffrages spoken of in the preceding article do not amount to twelve, the same chamber shall



elect successively among the individuals who have obtained the greatest number of votes of the legislatures, observing in relation to such election, what has been prescribed in the first section of tit. 4th, which treats of the election of President and Vice-President.

ART. 134. If a senator or deputy be elected minister or fiscal of the supreme court, he will prefer such election.

ART. 135. When a vacancy occurs in the supreme court, it shall be filled agreeably to the provisions of this section, information having been previously given to the governors and legislatures of the states.

ART. 136. The members of the supreme court, before entering into office, shall take the following oath before the president of the republic; "Ye swear by God our Lord to conduct yourselves faithfully and legally in the discharge of the duties confided to you by the nation, and if ye act thus God will reward you, if not, punish you."

### *Section Third.*

#### *Of the Attributes of the Supreme Court.*

ART. 137. The following are the attributes of the supreme court:

1. To take cognisance of disputes, which may arise between the different states of the Union, whenever there arises litigation in relation to the same, requiring a formal decree, and that arising between a state and one or more of its inhabitants, or between individuals in relation to lands, under concessions from different states, without prejudice to the right of the parties to claim the concession from the party which granted it.

2. To decide disputes which grow out of contracts and transactions between the supreme government and its agents.

3. To consult upon the acceptance or refusal of papal bulls, letters and rescripts, granted on litigated points.

4. Decide on the competency of the tribunals of the Union, and on conflicting jurisdictions between them and the state tribunals.

5. To take cognisance,

*First.* Of accusations against the president and vice-president according to arts. 38 and 39, after the previous declaration of art. 49.

*Secondly.* Of criminal prosecutions of the deputies and senators indicated in art. 43, after the declaration spoken of in art. 44.

*Thirdly.* Of those against the governors of the states in the cases mentioned in art. 38. part 3d, after the declaration spoken of in art. 40.

*Fourthly.* Of those against the secretaries of state agreeably to art. 38 and 40.

*Fifthly.* Of the civil and criminal affairs of the diplomatic agents and consuls of the republic.

*Sixthly.* Of causes in admiralty, prizes by land and water, and contraband; of crimes committed on the high seas; of offences against the united Mexican nation; of the officers of the treasury and justice of the Union; of infractions against the constitution and general laws, according to the dispositions of law.

ART. 138. It shall be determined by law, in what manner the supreme court shall take cognisance of the cause mentioned in this section.

*Section Fourth.**Mode of judging the Members of the Supreme Court.*

ART. 139. To judge the members of the supreme court, the chamber of deputies shall elect every two years, in the first month of their ordinary session, and voting by states, twenty-four individuals, not members of congress, and possessing the qualifications of the members of the supreme court. From these shall be chosen by lot a fiscal, and a number of judges equal to the first chamber of the court, and when it is necessary, the chamber of deputies, and, in the recess, the council of government, shall elect in the same manner the other chambers (*salas*).

*Section Fifth.**!Of the Circuit Courts.*

ART. 140. The circuit court of a judge skilled in law and a fiscal, both named by the supreme executive power from three candidates, designated by the supreme court, and of two associates, according to law.

ART. 141. To be circuit judge, it requires to be a citizen, and thirty years of age.

ART. 142. To these courts belong, to judge causes in admiralty; captures by land and sea, contraband; crimes committed on the high seas; offences against the United States of Mexico; suits against consuls, and civil causes in which the Union is interested exceeding five hundred dollars in value. A special law shall designate the number of these courts, the manner and form in which they ought to exercise their powers: they are under the inspection of the supreme court.

*Section Sixth.**Of the District Judges.*

ART. 143. The United Mexican States shall be divided into a certain number of districts, in each of which there shall be a judge skilled in law (*letrado*), and who shall take cognisance, without appeal, of all causes in which the Union is interested, and whose value does not exceed five hundred dollars, and in the first instance of all causes which belong to the jurisdiction of the circuit courts.

ART. 144. To be judge of the district court, it is necessary to be a citizen of the Union, and twenty-five years of age. The president appoints these judges from three candidates named by the supreme court.

*Section Seventh.*

*General Rules for Administration of Justice in the States and Territories of the Union.*

ART. 145. Each state shall give faith and credit to the acts, registers, and proceedings of the judges and other authorities of the other states, and congress shall establish a uniform law for proving such acts, registers, &c.

✓ ART. 146. The penalty of infamy does not extend beyond the person punished.

✓ ART. 147. The confiscation of goods is forever abolished.

✓ ART. 148. All judgments by commissions and retroactive laws, are forever prohibited.

ART. 149. No authority shall ever inflict the torture under any pretence.

✓ ART. 150. No one can be confined unless there be half proof or indications of his guilt.

✓ ART. 151. No one shall be detained on indications alone, for more than sixty hours.

✓ ART. 152. No authority can direct the seizure and registry of papers and effects in houses, except in cases and in the form expressly prescribed by law.

ART. 153. No one is bound to accuse himself in criminal matters.

ART. 154. The military and ecclesiastic remain subject to the same laws and tribunals as heretofore.

ART. 155. No suit can be instituted, either for civil or criminal injury, without previous demand in conciliation.

ART. 156. No one can be deprived of the right of terminating his differences before arbitrators chosen by each party, in every stage of the cause.

TITLE VI.

OF THE STATES OF THE FEDERATION.

*Section First.*

*Of the Particular Government of the States.*

ART. 157. The government of each state shall be divided into three powers, viz: the legislative, executive, and judicial, and two or more of these can never be united in the same person or corporation, nor can the legislative power be vested in a single individual.

ART. 158. The legislative power of each state resides in a legislature, composed of the number of individuals determined by their particular constitutions, elected by the people, and removable at the time and in the manner they may prescribe.

ART. 159. The person or persons to whom the states confide the executive power can exercise it only for a limited time, fixed by their constitutions.

ART. 160. The judicial power in each state shall be exercised by the tribunals established by their constitutions, and all causes as well civil as criminal which originate in such courts must be therein finally disposed of.

*Section Second.*

*Of the Obligations of the States.*

ART. 161. Each state is bound;

1. To organize its government agreeably to the constitution and the constitutive act.
2. To punish through their governors, their constitutions and laws.
3. To cause the constitution and general laws of the Union to be observed, as well as all treaties made or to be made with foreign powers.
4. To protect its inhabitants in the enjoyment of the liberty of writing, printing and publishing their political ideas, without license, or previous revision or approbation, causing however the laws relative to this matter to be duly observed.
5. To surrender criminals to the governments of other states, claiming them.
6. To surrender fugitives from other states to the persons justly claiming them or compel them in some other mode to satisfy the party interested.
7. To contribute to the extinguishment of the debts acknowledged by congress.
8. To send annually to each of the chambers of congress a circumstantial account of the receipts and expenditures of the treasuries in their respective districts, with the origin of each, the state of agriculture, commerce and manufactures, of the new modes of industry which might be usefully introduced and protected, as well as the population and the means of protecting and augmenting the same.
9. To forward to the chambers, and in the recess to the council of government, and the executive power, a copy of their constitutions and laws.

*Section Third.*

*The Restrictions of the Powers of the States.*

ART. 162. No state can,

1. Establish tonnage duties nor ports of entry without consent of congress.
2. Impose duties on imports and exports without consent of congress.
3. Have a standing army or navy without the consent of congress.
4. Engage in transactions or declare war with foreign powers, resisting them however in case of actual invasion, of which immediate notice is given to congress.
5. Enter upon any transaction with other states of the Union, without consent of congress, or its subsequent approval if it has reference to boundaries.

TITLE VII.

*Only Section.*

*Of the Observance, Interpretation, and Reform of the Constitution and Constitutive Act.*

ART. 163. All public functionaries without exception, before entering on their offices must take an oath to observe the constitution and the constitutive act.

ART. 164. Congress will enact laws to punish those violating the constitution.

ART. 165. Congress alone has the right to interpret the constitution in doubtful cases.

ART. 166. The legislatures of the states may make observations on the different provisions of the constitution and constitutive act, but congress shall take them into consideration till the year 1830.

ART. 167. The congress of the present year will select such observations as deserve to be referred to the next congress, which must be communicated to the president who will cause them to be published without any observations.

ART. 168. Next congress in the first year of its ordinary session, shall take into consideration these observations, and make such reforms as it thinks necessary. But the same congress can not propose amendments and act on them.

ART. 169. The reforms and additions which may be proposed after 1830, shall be considered by congress in the 2d year of their session, and if regarded as necessary according to the preceding articles, this resolution shall be published for the consideration of the next congress.

ART. 170. To reform or add to this constitution or the constitutive act, all the rules shall also be observed, which are required for the formation of laws except that the president shall not have the right to make the observations of art. 106.

ART. 171. Those articles of this constitution and of the constitutive act which establish the liberty and independence of the Mexican nation, its religion, form of government, liberty of the press and the division of the supreme powers of the Union and of the states can never be changed.

Given in Mexico on the 4th of October in the year of our Lord 1824, in the 4th year of the Independence, 3rd of Liberty and 2d of the confederation.

(Signed)

LORENZO DE ZAVALA, President, &c.

